

# **SHEBEENS IN THE NEWS: CONTESTING ALCOHOL CONTROL POLICIES IN THE WESTERN CAPE, SOUTH AFRICA**

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## Abstract

Media coverage of the “problems” associated with alcohol is now widespread. However, there have been very few analyses either of newspaper coverage of alcohol or media coverage of alcohol policy, especially outside Europe or North America. However, this paper argues that given mounting concern with the long-term health, economic, social and developmental consequences of risky drinking in the Global South, an exploration of newspaper coverage of nascent alcohol policy in such a context is both timely and valuable. This paper therefore explores how two South African alcohol control policies – the Western Cape Liquor Bill and the City of Cape Town’s liquor by-laws – have been debated in two regional, English-language South African newspapers over a four year period between 2007 and 2011. In so doing, it draws out the tensions between alcohol as a source of livelihood in a context of endemic unemployment and chronic poverty and alcohol as a source of poverty, crime, violence, social disintegration and health risks. It argues that in SA, alcohol serves multiple, overlapping and often competing social, economic and political agendas. Furthermore, it contends that the constructive processes guiding public and political opinion are inextricable from the contested and ambiguous nature of alcohol itself.

## Introduction

In 2010, the World Health Organisation (WHO) endorsed its *Global Strategy to Reduce the Harmful Use of Alcohol*. It highlights that, while alcohol is a ‘major *global* contributing factor to death, disease and injury’ (World Health Organisation 2011a, x, emphasis added), its impact is greatest in middle-income countries. Thus, even though there are more drinkers in the high income countries of the Global North, the burden of alcohol-related harm (e.g. disease, disability, violence, neglect, abuse and absenteeism) is often most onerous in countries where legislation is poorly developed, routinely unenforced and rates of abstention are, ironically, high. While the WHO’s *Global Strategy* strongly favours supply-side interventions; alcohol control policies, in reality, are complex, inter-sectoral (Matzopoulos, Myers et al. 2008) and reflect both the multi-dimensional nature of alcohol-related harms and the ambiguous status of alcohol as a material good. Indeed, the polysemic nature of alcohol is reflected in the ways alcohol policies straddle numerous governmental domains (e.g. health, economic and social development, planning, tax and excise). Policy development is thus a manifestation of the cultural relationships, norms and beliefs that surround drinking (Measham and Brain 2005; Valentine, Holloway et al. 2008; Valentine, Holloway et al. 2010; Jayne, Valentine et al. 2011) as well as the political ambitions pegged to the alcohol ‘cause’ (see for example analysis of the UK’s binge drinking crusade in Plant and Plant 2006; Herring, Berridge et al. 2008; Norris and Williams 2008). For this reason, this paper argues that alcohol control policies and the debates that encircle them are reflective of far more than the drive to reduce alcohol-related harms. Indeed, in countries of the Global South, alcohol serves multiple, overlapping and often competing social, economic and political agendas. Furthermore, the creative and constructive processes

that guide public and political opinion surrounding policy are inextricable from alcohol's own contested and ambiguous status.

To explore these assertions, the paper turns to the example of South Africa's (SA) Western Cape (WC) Province to explore newspaper coverage of the debates surrounding two recently enacted alcohol control policies: the Western Cape Liquor Bill (WCLB) and the City of Cape Town's municipal by-laws. As 'the country within Africa that has experienced the most rapid period of alcohol policy development over the last 15 years' (Parry 2010, 1340), SA has witnessed demonstrable efforts to update existing policies. With an extremely high burden of alcohol-attributable harm and an endemic culture of "all or nothing" drinking (Norman, Bradshaw et al. 2007; Michalak and Trocki 2009), there is agreement that the alcohol "problem" must be addressed, but little consensus as to how this might best be achieved. While alcohol control is linked to the need to address the entwinements of liquor with the 'social acceptability of violence', gang culture, rape, abuse, homicide and road traffic accidents; drink remains a large-scale employer and a tourist draw. Given the barriers to social and economic development posed by SA's chronic poverty and 33% unemployment rate (Banerjee, Galiani et al. 2008), the alcohol industry provides 522,500 much-needed jobs (ARA 2011). Within this number, shebeens<sup>1</sup> alone are estimated to provide between 60,000 and 100,000 jobs (Moodley 2011). Against this backdrop, the WCLB's legislative journey has received huge press attention. In part, this has been due to the fundamental tension it highlights between the livelihoods dependent on liquor and the disproportionately high costs of alcohol-related harms. As such, this paper argues that press coverage of the WCLB, city by-laws and their purported impact on the city's diverse drinking spaces offers an insightful vantage point from which to critically explore this tension.

Since the WCLB was first tabled in 2003, newspaper coverage of the saga has been rampant. Yet, as Nicholls (2011) and Hansen and Gunter (2007) identify, there has been little research on the presentation of alcohol in the press in general, much less in SA. Newspaper coverage is particularly illuminating with respect to the WCLB as it demonstrates how 'in choosing and displaying news; editors, newsroom staff and broadcasters play an important part in shaping political reality' (McCombs and Shaw 1972, 176) and, as a result, constituting alcohol as a

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<sup>1</sup> A 'shebeen' is a product of the 1928 prohibition of the sale of 'European' liquor to black Africans and, by the 1950s, these had become "a ubiquitous feature of city life" (Mager, 2010: 12). Although black Africans were allowed to buy liquor from white outlets from 1962, shebeen numbers multiplied and the term is still predominantly used to denote an unlicensed liquor outlet. The physical form that this takes can range from a bar, to a front room in a house, to a serving hatch with a few seats outside a private home. A 'tavern' is now more commonly used to denote a licensed township drinking venue.

multi-dimensional 'social problem' (Gusfield 1996). To examine this, the paper explores the (re)presentation of liquor control policy in two major regional newspapers: *The Cape Times* and the *Cape Argus* from 2007 to 2011. In so doing, it identifies three major 'agenda shifts' (Hansen and Gunter 2007, 155): opposition to the legalization of shebeens by communities; opposition to shortened licensing hours by city centre businesses; and backlash against the assault on livelihoods by shebeeners. To contextualize this analysis, the paper first provides a critical exploration of the relationship between the media and alcohol before turning to a discussion of the methods employed in this research. The paper concludes that alcohol control policy in the Global South is a complex politics of reconciliation between livelihoods and harms, which, despite the WHO Strategy, extends far beyond matters of health alone.

### **The media and alcohol in SA**

The media plays a critical role in framing public discourses, especially regarding health and the "diseases" resulting from drinking, eating and smoking (Seale 2002; Seale 2003; Bell, McNaughton et al. 2011; Bell, Salmon et al. 2011; Herrick 2011). Within this field, there have been explorations of media accounts of tobacco and the risks of smoking (Menashe 1998; Clegg Smith, Wakefield et al. 2006), as well as a recent burgeoning of critical obesity studies (Gard and Wright 2005; Oliver and Lee 2005; Saguy and Almeling 2005; Saguy and Riley 2005). While there has been some exploration of the relationship between alcohol and the media, much of this has focused on the behavioral impacts of alcohol advertising, sports sponsorship and product placement (Cherrington, Chamberlain et al. 2006; Anderson, de Bruijn et al. 2009; Engels, Hermans et al. 2009). There has been little interest in either alcohol as the subject of news media discourses or media coverage of alcohol policy (Nicholls 2011). Indeed, Hansen and Gunter's (2007) review identifies only eleven significant English language studies published from 1997-2002 exploring alcohol in the US, UK and Scandinavian press. Later work by Day *et al* (2004) on the representation of female drinking in the UK press, Connolly-Ahern and Broadway's (2008) analysis of US newspaper coverage of Fetal Alcohol Spectrum Disorders (FASD) and a collection of work around discourses of binge drinking in the UK (Hayward and Hobbs 2007; Ruddock 2008; Szmigin, Griffin et al. 2008) should also be noted. However, there remains a clear research lacuna on 'news and factual media reporting on alcohol, drinking practices, alcohol policy and alcohol-related problems' (Hansen and Gunter, 2007: 150). This paper aims to address both these gaps by exploring the coverage of the WCLB and Cape Town's by-laws within two major regional newspapers: the *Cape Times* and *Cape Argus* from 2007-2011.

This research lacuna is even more glaring in the Global South. Given that 'the impact that the printed press may wield in determining knowledge and attitudes towards alcohol has been largely neglected' (Baillie, 1996: 235), there is a clear need for accounts exploring the complex entwinements of newspaper reporting and policy debates in the Global South. This paper represents the first such exploration in relation to SA's evolving alcohol control debate. In middle income countries, alcohol often occupies a liminal space between socio-economic necessity (i.e. livelihood) and socio-economic burden. Furthermore, the pleasurable aspects of drinking in SA are as discursively significant as recent scholarship from the UK has suggested (Measham 2004; O'Malley and Valverde 2004; Hadfield 2007). Moreover, just as in the UK, 'pleasure' itself is subjected to varying degrees of legitimation across different social spaces of the city. Indeed, by the end of apartheid, white areas of Cape Town had fifteen times the number of licensed premises as the black and coloured townships (PGWC 2003) and, in the absence of regulatory enforcement, shebeens have mushroomed to address this supply gap. The "shebeen problem" has a long history (Mager 2010), but its latest iteration perhaps demonstrates most clearly the powerful creative processes that drive alcohol control policy.

The 2003 National Liquor Act devolved responsibility for the illicit trade to the provincial level. In the process it not only generated 'much confusion and no agreement on the definition of shebeen across provinces' (Mager 2010, 143), but also made clear the need to update the 1989 WC Liquor Act. However, Parry (2010) suggests, as the WC prepared for provincial elections in 2004 and municipal elections in 2006, revising the provincial act were delayed until 2008 The WCLB's central aim is to 'protect the community against any negative consequences of the abuse of alcohol' (PGWC 2003, 9) to be achieved through several objectives: (1) bringing shebeens into the formal economy by allowing those meeting certain criteria (e.g. room size, location, provision of toilets etc) to apply for a liquor license; (2) revising land-use regulation so as to limit licenses in residential areas and (3) enabling community involvement in the licensing process. The overriding focus on an estimated 30,000 shebeens represents a broader political and public belief that, in contrast to the romanticized 'shebeen queen' imagery of progressive politics (Edwards 1988; Mager 2010),

Many shebeens are dens of iniquity, which are a nuisance to the communities in which they operate and contribute towards a climate of lawlessness and disrespect for community rights. Organised criminal elements have entered the unlicensed liquor trade, and shebeens under the control of gangs are venues where many criminal activities originate (PGWC 2003, 4)

It also represents a pragmatic concern with the unenforceability of alcohol control policy in a context where only 20% of premises selling liquor are licensed (*Ibid*). While the WCLB was being debated and reworked, the City of Cape Town was also busy drafting its own municipal by-laws. While liquor licenses are issued under the terms of the provincial act, the municipality has the right to control land use zoning and the trading days and times that pertain to them. The WCLB is therefore inextricable from the municipal by-laws at both the level of public and political debate as well as legislation and enforcement. In theory, the municipal by-laws should have come into effect on January 1, 2011, however without the full ratification of the WCLB, the by-laws remain unenforceable as liquor licenses still remain under the auspices of the 1989 provincial act.

The municipal by-laws are a crucial component of the alcohol policy debate as, at the same time as the moral panic around shebeens as conduits of unsafe sex, crime, gangs, drugs, violence and anti-social behaviour has accelerated (Oxfam 2005; Kalichman, Simbayi et al. 2008), so too has the development of Cape Town's night-time economy in the newly gentrified Central Business District (CBD) and the V&A Waterfront . The spatial, class and racial split between the city's diverse drinkers and drinking venues has shaped the ways in which alcohol policy has been received, the formation of interest groups, subsequent agenda shifts within press coverage and, finally, the reworking of policy to appease lobbying factions. To examine this, the paper draws on the concept of framing (Entman 1993; Entman 2007) to look at how alcohol is represented within the press and, moreover, the ways in which such representations have fed back into the policy process and debate. This methodological approach is explored in more depth in the following section.

## **Methods**

In 2010, 15.32 million South Africans over the age of 15 read newspapers and 11.36 million people read weekly newspapers. The country has 20 daily and 13 weekly newspapers in circulation (SouthAfrica.info 2012), most of which are in English. However, even though English is the official language of business and education, it is spoken by only 8% of South Africans at home (compared to 23.8% speaking Zulu, 17.6% speaking Xhosa and 13.3% Afrikaans). South African diversity thus makes any attempt to use the media as an indicator of public discourse challenging, especially the news press. The mainstream press is increasingly being challenged by economic pressures, and in the last decades there has been a notable boom in tabloid circulation (Jones, Vanderhaeghen et al. 2008; Steenveld and Strelitz 2010). Since the end of apartheid, the media has undergone significant (but widely

argued to be insufficient) change (Sparks 2009). Key conglomerates were unbundled and there has been increasing ownership, editing and authorship by the previously disadvantaged. However, new black ownership has produced a marked discursive shift within news coverage and critiques of government have arguably increased as the post-apartheid state no longer has control over newspaper messages (Tomaselli 1997; Tomaselli and Teer-Tomaselli 2008; Olorunnisola and Tomaselli 2011). South African newspapers have also remained firmly regional in their coverage and distribution. Analyses of South African media content are limited *tout court*, bar some efforts to categorize and differentiate between publications (cf Danso and McDonald 2001; Thetela 2001; Jacobs and Johnson 2007). It is therefore unsurprising that a literature search showed no engagement with how alcohol has been represented by the South African press, despite its influence on public and political discourse in SA.

This paper explores the framing of alcohol control policy in the *Cape Times* and *Cape Argus* from 2007-2011. Together, the newspapers capture the largest readership in the Cape (exceeding that of the most popular regional Afrikaans paper *Die Burger*), providing insight into the public discourses circulating among English-speakers in the region. The *Argus* has 374,000 readers and is the most widely-read afternoon paper in the Cape Peninsula, the southern-most and wealthiest area of Cape Town. The paper is aimed at the 'broader middle class', positioning itself as 'the common ground that connects the diverse communities of Cape Town, from Khayelitsha [a predominantly black township] to Constantia [the city's richest white suburb]'. By contrast, the *Cape Times* has an 'upmarket' readership of 316,000, a rise of 20% in the past three years, bringing it the title of the Cape Peninsula's most popular morning paper (Superbrands 2011b). The *Argus* and *Times* thus represent two contrasting, widely circulated and influential English-language newspapers which form the bedrock of municipal and provincial news reporting in the region. They are therefore of greatest value to explorations of the contestations surrounding alcohol control policy in the region. It should be noted that as coverage of alcohol control policy exhibited no significant differences in frame between the two papers, we have amalgamated them in our discussion.

Neither newspaper has an online archive, so the *Lexis Nexis* database was used to identify relevant articles. We used the search phrase: "liquor bill" OR "liquor act" OR "liquor policy" OR "liquor law", to reflect the manifold phrasings used for the WCLB and by-laws as their legal status has changed. The search was conducted from 2 May, 2007 – 2 May, 2011 for both pragmatic and analytical reasons: *Lexis Nexis* only subscribes to South African papers

from 2 May 2007 and the first iteration of the bill was initially approved by the provincial legislature only in 2007; so debate emerged only around this time. The search results were filtered for relevance (i.e. retaining those that reference alcohol policy and rejecting those focussing on enforcement issues), and letters to the editor were retained as part of our search. The final sample of 99 *Cape Times* articles and 141 *Cape Argus* articles were subjected to qualitative discourse analysis, drawing on Entman's (1993) notion of 'framing' or the 'process of culling a few elements of perceived reality and assembling a narrative that highlights connections among them to promote a particular interpretation' (Entman 2007, 164). All articles were thus subjected to an initial analysis according to Entman's four functions of framing: (1) problem definition; (2) causal diagnosis; (3) moral judgment; and (4) prescribed solutions. In this logic, contestations over policy can also be viewed as 'strategic framing contests' (*Ibid*) in which actors and outlets vie to move from setting the agenda (i.e. problem definition) to leading discussion through the three subsequent stages. These parameters were then collated within a database, which was used to tease out the dynamics of the debate around the Western Cape's alcohol control policies and their potential consequences.

### **Contesting alcohol control policies in the WC**

Between 2007 and 2011, two strands of alcohol control policy contestation are clear. First, opposition to the WCLB's potential effect on shebeen numbers and livelihoods. Second, opposition to the City of Cape Town's municipal by-law's potential effect on the licensing days and hours of hotels, bars, clubs and vineyards. Peppered throughout these debates are concerns over the city's World Cup "offering", and national-scale conversations about the potential bans on alcohol advertising and raising the legal drinking age from 18 to 21 (Parker 2011). The following sections examine three broad 'agenda shifts' that cut across and cross-reference these two domains of contestation (see table 1). It should be noted that, although they exhibit contrasting framings of what the "problem" with alcohol policy might be, these agendas co-exist throughout this period, gaining momentum at the times specified and often triggering or acting as a precondition for the emergence of other agendas. Debates surrounding the WCLB and by-laws consequently reveal a complex and interlaced plethora of authors, actors, problems and proposed solutions which, individually and in sum, contribute to the sub-texts of the dominant frames examined in each of the next three sections. As such, each agenda shift is also marked by counter-framings and alternative policy recommendations, which are also explored below.



## TABLE ONE HERE

### *i. Opposing the “legalization” of shebeens in the WCLB (May 2007- late 2008)*

The shebeen problem is a legacy of our apartheid past and cannot be allowed to linger indefinitely... the present state of lawlessness and chaos in the industry cannot be allowed to continue (PGWC 2003, 4)

The first phase begins in mid 2007 (roughly four years after the initial drafting of the bill), just after the provincial legislature approved the WCLB, which was then to be promulgated and signed by premier within 45 days (Cape Argus, henceforth CA, 20 April 2007). The Bill was, however, not signed because of delays in consultation between the then ANC-led provincial government and the national Department of Trade and Industry (DTI), who needed to make sure the provincial policy was in line with the 2003 National Liquor Act (Cape Times, henceforth CT, 8 Feb 2008). Despite concerns of both the public and shebeen owners described below, on 25 November 2008 the WCLB was finally signed by the ANC premier with the notation that a grace period would apply until regulations were approved. In 2007, between the first and second passing of the act, the alcohol bill again became the subject of extensive public debate. Four rounds of public consultation were held which news reports suggest were dominated by community representatives opposing the legalization of shebeens (CT, 23 June 2008). The dominant tenor of news articles at this time concerns community fears over the proposed “legalization” of shebeens, with letters to the editor written by community members similarly calling on the general public to support their opposition (cf CT, 25 April 2007; CT, 3 July 2008).

A key contestation emerged around the likely impact of the bill on shebeen numbers if the WCLB’s aim of “formalization” (i.e. bringing shebeens into the formal, enforceable economy) was realized. Initially, the Democratic Alliance (DA), the main opposition party at the provincial level and ruling party at the municipal level) was strongly opposed to the bill (CT, 16 Oct 2007). Members of the party, including Cape Town Mayor and leader Helen Zille, report ‘grave concerns’ about the liquor law, suggesting that legalizing shebeens would lead to an increase in their number (CT, 7 May, 2008; CT, 27 June 2007). The DA’s concern with shebeen numbers reflects their wider political stance against drugs and alcohol abuse. Indeed, Helen Zille was arrested in September 2007 on suspicion of supporting “vigilante group” the ‘People’s Anti-Drug and Liquor Action Committee’ and in early 2008 led an anti-drugs protest march in Johannesburg. The outrage expressed by the DA’s Cedric Thomas towards the ‘atrocious’ WCLB’s potential to ‘contribute to moral degradation’ (CA, 8 Oct,

2007) is further evidence of the party's line. By October 2007, 'the DA [had] called on WC residents to mobilize and submit written opposition to the proposed liquor act' (CA, 16 Oct, 2007) as it geared up for the 2009 provincial elections. The ANC, specifically, Garth Strachan, Chairman of the Provincial Standing Committee on Finance and Economic Development, responded to this accusation by suggesting that this was a willful misrepresentation of the (intended) consequences of the bill (CA, 4 June, 2008). Subsequently, the DA argued for amendments meaning that shebeens in residential areas would need to be rezoned or relocated. The ANC conceded to this revision, and afterwards both parties supported the bill, with the African Christian Democratic Party (ACDP) remaining opposed (CT, 12 Nov 2008). As such, the *Cape Times* and *Cape Argus* emerged as key outlets for creation of a moral panic around the potential proliferation of shebeens under the proposed bill.

The dominant framing in this first phase of articles thus clearly identifies shebeens as a problematic presence in communities. However, there is some conflation among the articles as to what specifically is problematic about them. In many stories, children, women and families are identified as innocent victims. Some, however, use vague language, referencing 'the negative impact of selling alcohol' (CA, 25 April, 2007) or condemning the fact that shebeens contribute 'to the destruction of the social fabric of our communities' (CA, 26 Mar, 2008). Others authors, such as the Hanover Park Civic Association, are much more explicit in their criticism of shebeens: 'Parents spend much needed food money, which is needed by our children. Children are negatively affected even before they are born by abnormalities like foetal alcohol syndrome' (CA, 26 Mar, 2008). In this phase of engagement with the WCLB, civic and community groups as well as local police and Community Policing Forums (CPFs) are the most vocal and express concern over the bill's impact on neighbourhoods' moral fabric. The tone is often of war. For example, the Grassy Park community declare that they are 'not taking the legalization of shebeens lying down' (CA, 25 April, 2007).

Although there are occasional references to drinking and driving, the most frequent explicit association is between shebeens, drugs, crime and violence. Zille notes that 'up to 80% of crime [in Cape Town] is linked to substance abuse' (CA, 7 May 2008) while others argue for 'protecting the innocent women and children from the effects of alcohol abuse and the violence emanating around shebeens' (CT, 28 May, 2008). The clearest summary may be that provided by Strachan of the ANC:

The bill assumes that alcohol abuse is strongly associated with crime - drugs, child prostitution, assaults, robbery, domestic violence and more. The impact on health and education, the

carnage on our roads and the intolerable disruption of otherwise orderly and peaceful communities are central considerations (CT, 23 June, 2008).

These comments together suggest that *drinking itself* is not the key concern of community representatives, but rather the *consequences* of the endemic heavy episodic drinking routinely undertaken in shebeens. Indeed rarely are the *causes* of such drinking styles referenced, let alone discussed. The moral evaluation of drinking, crime and violence is in most cases clearly articulated and unambiguously negative. Particular outrage is expressed about shebeens located or opening near schools or playgrounds (CA, 7 April, 2008), with the closure of all shebeens in residential areas the only solution (CA, 19 May 2008). This stance is most vociferously championed by the Muslim group 'People Against Gangsterism and Drugs' (PAGAD) who want to 'mobilise the Western Cape against shebeens' (CT, July 30, 2007). The group particularly targeted then ANC Premier, Ebrahim Rasool for passing the WCLB under his watch. They also adopted a clear discourse of disproportionate township suffering: 'if one [shebeen] opened in Pinelands it would never be accepted. Why is it fine to have thousands of shebeens in townships?' (*ibid*). Marking out Pinelands – a wealthy majority-white neighborhood where the sale of alcohol is prohibited – in contradistinction to a generic 'township' blighted by liquor highlights the religious and racial underpinning of the public outrage concerning the location and effects of shebeens.

In this phase, there are less prominent counter-narratives voicing the concerns of shebeen owners and articulating the rationale behind the proposed policy. The perspectives of shebeen owners provides only a limited slice of a frame and when they do appear in articles, they are typically presented as being unaware of the passing of the law (CA 22 July 2007; CA 12 Nov 2008). Two main grievances are raised by the respondents: first, procedurally, despite multiple rounds of public comment, shebeen owners claim a lack of consultation and second, economic concerns. By 2008, a counter-narrative emerges, led by the ANC's Garth Strachan, that the best way to redress the "shebeen problem" is through regulation, not elimination. This assertion is succinctly captured in the titles of Strachan's own articles at the time: Liquor Bill's 'aim is to protect communities' (CT, 4 June 2008) and 'Liquor Bill will help to crack down on illegal trade and curb abuse' (CT, 23 June, 2008). This tactic represents an outright attack on the DA's 'tendency to jump on this popular bandwagon [of] ... willfully [suggesting] that the Bill will lead to a proliferation of liquor outlets or that the Committee is oblivious to the massive and intolerable social costs of alcohol abuse in society' (*Ibid*). The tone also points to the more pragmatic need for grassroots support when the ANC was at risk of losing its provincial seat. As the elections drew closer, however, the conflict between

the DA-led City of Cape Town and the province grew in momentum and, with it, the interlacing of the WCLB with debates over the proposed changes to the municipal by-laws.

*ii. The City's by-laws and Regulating hours of operation (late 2008- early 2009)*

A second phase emerges in late 2008, defined tensions around the by-laws controversial proposal to restrict licensed premises' opening hours by more than would be required by the provincial legislation. Initially, the provincial bill was criticized by the DA for overstepping its boundaries by removing authority from the municipality to set its own land-use zoning powers and 'undermining the functions of local government' (CT, 7 May, 2008). Helen Zille also expressed concern that the bill would grant the provincial liquor licensing tribunal exaggerated powers and remove the ability of municipal councilors to comment on licensing applications. However, by late 2008, the two parties seemed to have reached a compromise and, on 12 Nov 2008, it was noted that the bill would safeguard the right of city council to set hours of operation. Importantly, the DA-led city initially sought to clearly distinguish these by-laws from the Coalition/ANC-led provincial policy, positioning itself as an advocate for stricter regulation of alcohol in both spheres of government (CT, 29 Dec, 2008). At this time, two themes are prominent: i) the effect of reduced hours of operation on business profits and employees and ii) the incorrect targeting of culprits by the bill. The two frames are, however, interdependent and, importantly for this discussion, catalyze the formation and mobilization of a new set of lobbyists around the liquor debate.

During this phase, the hospitality industry persistently uses the press to voice uniform opposition to the new regulations. Once again much of the discourse is focused on responding to the inadequacies of the prescribed regulatory solution, including comments by Strachan who argues that the proposed by-law would make Cape Town 'the "laughing stock" of tourism bodies internationally' (CT, 18 Feb, 2009). Strachan goes on to argue that 'the by-law [is] aimed at the wrong targets and [fails] to address the concerns of the city's many shebeens that want to be regulated' (*Ibid*). This represents a distinct agenda shift in social and spatial terms – from the WCLB's focus on township shebeens, their patrons and owners to the by-law's concern with city centre bars, tourists and 'civilised' drinkers. At this time, the Federated Hospitality Association of Southern Africa (Fedhasa) emerges as a powerful lobbying voice, arguing against the 'restrictive and unacceptable' laws that 'punished the industry for the known defaulting of a minority' (CT, 4 Oct, 2010). Another clear voice is the city's Tourism Chief Executive, Mariette du Toit-Helmbold who argues that

‘the by-law doesn’t deal with the real issues of abuse, poverty and unemployment, but targets a “well-organised” tourism industry’ (CA, 17 Feb, 2009).

In July 2010, the city by-law was passed unopposed by the council and was set to come into effect on 1 January, 2011. From this point, there is a clear surge in activity defaming the by-law’s intentions and likely effect. The city’s tourist industry argued that shortening trading hours would undermine the Cape Town’s international image by restricting its ability to offer a “sophisticated” product. As Fedhasa lament, ‘it would be deemed as patronising to our international visitors if, let’s say following a long-haul flight, they are unable to be served an alcoholic beverage outside of specified hours’ (CT, 4 Oct, 2010). The by-law would restrict hotels in residential areas to an 11pm drinking-up time, sparking protest from Cape Town’s prestigious Mount Nelson hotel, whose spokesperson claimed that it would, in effect, have to seek re-zoning to avoid ‘[laying] off staff because its conferencing and banqueting facilities would be unsuitable [for an 11pm finish]’ (CT, 11 Oct, 2010). At this time, the Cape Chamber of Commerce also sparked panic over the potential demise of ‘champagne breakfasts’ (due to planned restrictions that would stop liquor sales before 11am on weekdays), despite their being an unassailable example of ‘responsible drinking’ (CA, 3 Sept, 2010). As one article argues, ‘it’s a civilized thing to do on a Sunday morning – stroll down to your seafront eatery and enjoy a glass or two of delicious Cape bubbles with your salmon omlette and Sunday newspaper’ (CA, 6 Sept, 2010). The planned solution to this conundrum is a seeming illogicality where a champagne breakfast may be served before 11am as long as the champagne is free (CT, 4 Oct, 2010).

By late 2010, a surge in newspaper headlines warned that the ‘by-law may spirit away New Year’s Eve partying’ (CT, 24 Dec, 2010). The row centered around the proposed shortening of opening hours from 4am to 2am with offenders facing fines of R30,000 and up to three years in jail. Long Street, the city’s night-life hub, became the heart of the debate with coverage accelerating as enforcement loomed. The Festive Period is traditionally a time of heightened anxiety around security and alcohol in the Cape as public holidays and booming tourist numbers routinely lead to increased road traffic fatalities, fights and drowning. The conflation of these long-held public anxieties with the concomitant tradition of festive partying in the region’s most important night-time economy, facilitated the hospitality industry’s argument that the by-laws would be unenforceable (and therefore pointless) as ‘police will have their hands full with illegal parties and drunk drivers going to Paarl [a wine-producing town inland from Cape Town] to get a drink after Cape Town shuts’ (CT, 24 Dec,

2010). At this time, efforts to discredit the by-law cite bar owners confusion over the technicalities of enforcing new opening hours on January 1, with many expressing ignorance over the zoning (and thus closing time) of their business (CT, 30 Dec, 2010). At the final hour on New Year's Eve 2010, the city rescinded and performed a 'last-minute u-turn' (CT, 31 Dec, 2010) after a meeting with enraged city bar and club owners. DA Councillor Taki Amira conceded that the new by-law would be 'phased in over a period of time' (CT, 31 Dec, 2010).

With champagne breakfasts now safeguarded, the city's nightclub and bar owners mobilized to form the 'Club, Bar and Restaurant Association of the Western Cape' (CBRA) in advance of a new gazetting of the amended WCLB on 14 January, 2011. They threatened the city with an interdict and, as membership swelled to fifty businesses, discussions emerged of legal action against the purported unconstitutionality of the by-law (CT, 7 Jan, 2011). Their call was further backed-up by press coverage accusing Councillor Amira of being a 'party pooper' without 'the ability to think outside the box...[as] sending everyone home early won't stop drunk drivers, we need more roadblocks and better policing' (CA, 11 Jan, 2011). By 13 January, the city had backed down and commissioned a legal review of the by-law. Nonetheless, the CBRA vowed to 'push ahead with legal action despite the city's decision to put the brakes on the legislation' (CT, 14 Jan, 2011). The lobbying of Fedhasa and CBRA clearly reiterates that 'there's no company in the hospitality industry that's causing problems. This by-law was created to solve *other* problems' (CT, 9 Sept, 2010). This assertion is of a *misplaced* Nanny State, seeking to infringe on the commonsense liberties of responsible citizens and foreign tourists. Indeed, as letters to the Editor provoke: 'Today – liquor law. Tomorrow – no sex after 2am. Way to go DA!'. Similarly, 'It will not stop people from drinking. Focus on crime and corrupt so-called politicians' (CA, 31 Dec, 2010). The call to focus on crime is echoed by the CBRA's criticism of the research used by the city to justify the by-law. Members argued that data used by the city to demonstrate a reduction of crime in response to shortened operating hours was drawn from Brazil and Australia and was thus unrepresentative of the SA context. The CBRA's call to provide valid data from Cape Town showing how many people were actually involved in accidents after 2am is indicative of the tactics used to discredit sources of public authority during this phase.

While the CBRA continued its assault of the city's by-law justification, counter-narratives emerged accusing license holders of not 'taking responsibility for their actions' and forgetting 'how their actions are affecting thousands of lives' (CT, 24 Jan, 2011). As an article written by the Woodstock Community Police Forum notes, 'Liquor outlet owners... sell liquor

to already drunk people, who then get in their cars and kill other people on our roads or make a nuisance of themselves by screaming and shouting and urinating against other peoples' property' (*Ibid*) and accuses the CBRA of being concerned only with 'making as much money as possible without consideration for anybody'. This effort to reposition the debate highlights that even the licensed trade in city centre locations has 'bad guys in [its] midst' and, therefore just like shebeens, needs to 'get [its] house in order'. By February 2011, press coverage of the by-law suddenly goes quiet, the CBRA has achieved its goal and a final agenda shift rises to transform counter-narrative into dominant trope.

*iii. Shebeen owners organize (early 2009-mid 2011)*

The roots of shebeener organization stems from a response to the decision, in late 2008, to remove a clause in the WCLB allowing shebeens a 12-month grace period to comply with the new legislation and apply for licenses before the bill came into effect. SAB Miller and the SA Liquor Traders' Association (SALTA) spoke out against the change and threatened to take it to the Constitutional Court for clashing with the National Liquor Act. The suggestion was that the unintended consequence of the removal of a grace period for compliance would be to 'drive shebeens underground and then problems with alcohol abuse will mushroom' (CT, 10 Oct, 2008). By November 2008, newspapers were proclaiming the 'liquor bill approved' (CT, 12 Nov, 2008) and 'shebeen crackdown begins as liquor act comes into force' (CT, 26 Nov, 2008). However, the rapid shift from headlines assuring that 'We won't give up until all the shebeens have been closed' (CT, 28 Nov, 2008) to 'Liquor Act no silver bullet to close 300,000 shebeens overnight' (CT, 28 Dec, 2008), marks a new phase in engagements with the WCLB through the press. Moreover, while multiple shebeen associations can be found until the beginning of this phase (CA, 28 Jan, 2009), these are eventually replaced by a single voice, the WC Shebeen Association (WCSA) which professed 10,000 members by late 2009 (CT, 24 Dec, 2009).

By early December 2008, headlines arguing that 'New liquor Act duped community' (CA, 1 Dec, 2008) highlight how the 'fight' against shebeens exacerbated existing tensions between the police, community and shebeen owners. Under the WCLB, a shebeen in a residential area would not be able to apply for a license and would be fined R20,000 if found to be operating illegally. The 'crackdown' – codenamed Operation Cobra - by the City of Cape Town's substance abuse team provoked 'anger in the community' (CA, 31 Dec, 2008) for its heavy handedness in confiscating liquor and dishing out fines. When, in late December 2008, 11 illegal shebeen operators from the informal settlement of Masiphumelele were arrested,

the news sparked a mass protest. In Khayelitsha, 500 gathered to protest police tactics and threatened to block liquor delivery trucks from reaching licensed shebeens (CA, 31 Dec, 2008). In January 2009, 600 shebeeners marched from Keizergracht Street in District Six to Parliament to protest against the WCLB. This march was again repeated in late 2009 when 250 shebeeners carried a coffin through the streets to symbolize the 'death of shebeens at the hands of the WCLB' (CA, 24 Nov, 2009). These incidents mark a definitive moment not only in newspaper coverage of the liquor laws, but also the grassroots mobilization of shebeen owners to protest their right to livelihoods, even through the sale of alcohol.

The WCSA argued that while shebeen drinking in the townships is often associated with crime and violence, there is a need to distinguish between co-operative shebeens and those not co-operating with law enforcement and crime reduction. Such a distinction is also found in the WCLB's concern to support the entrepreneurship and community function of 'traders from previously disadvantaged communities who are law-abiding citizens and want nothing more than to earn an honest living for themselves and their families' (PGWC 2003, 4). The Bill suggests that such 'good shebeeners' should be enabled to 'legitimise their business [despite] unrealistic barriers created by the present licensing system' (*Ibid*). In this reading, drinking in poor communities is cast as a response to stress, unemployment and economic hardship and "good" shebeens provide a positive antidote to such problems of poverty. Shebeen owners thus emphasize that their establishments are '[places] where people can come together as a community to have a good, relaxing time... not a breeding ground for crime or drugs' (CA, 23 Feb, 2010). Furthermore, the positive social utility of shebeens is not only emphasized by their owners. For example, Goss, a police station commissioner in Khayelitsha, notes that 'there are not enough places in Khayelitsha where people can go and relax and we acknowledge that. Our focus is currently on *problematic* shebeens' (CT, 11 Mar, 2010; see also CA, 26 Jan, 2009, emphasis added).

The mobilization of shebeeners also gathers around arguments for the role of shebeens in providing entrepreneurial opportunities in situations where these are in short supply. Such discourses tap into livelihoods and rights agendas, where shebeeners are often forced into illegitimacy because of onerous barriers to obtaining licenses. They contend that the new law will risk 100,000 jobs, push shebeens underground and increase 'social instability and economic insecurity' (CA, 18 Nov, 2010). While the bill is understood to provide some provisions for licensing and legalization of shebeens, the WCSA argue that these are inadequate to overcome the challenges of getting a license: many shebeen owners must



wait for months to have their license application heard (while bar owners in Cape Town's CBD who can afford to use a lawyer or 'liquor consultant' wait only weeks); the application fee is too high (R200); the form can only be obtained from the South African library in Cape Town; it must be typed and not hand-written; it must be accompanied by a plan of the premises (showing room dimensions, doors, windows and the surrounding streets); and an additional document describing of the premises' fixtures and fittings; it must be lodged (in triplicate) at the district magistrate's office and two weeks *before* this, at the Government Printers in Pretoria. Given these conditions, it comes as little surprise that the WC Liquor Board's own information warns, that 'compliance with the guidelines set out here does not guarantee the success of an application. The Liquor Act and its regulations are complex and applicants should seek professional advice regarding its working' (Western Cape Liquor Board 2012).

It should be further noted that most shebeens are in residential areas where licensing criteria are particularly onerous and include such stipulations as the need for the premises to be a 'permanent structure', the applicant having the legal right to occupy the structure (which would render any premises with an on-site manager implausible) and the requirement to advertise the application in the local community newspaper in either English, Afrikaans or Xhosa which must be acknowledged by the local police. Such contestations over the equality of the licensing process is brought out in the press by Khayelitsha tavern owner Mehilizeli who claims that 'we all want a fair hearing where permits or licenses could be issued' (CT, 11 April, 2011). He is, however, seeking more than due process, for he continues: 'we are poor and can't be denied a permit because of small things like not having a solid structure... most of us don't even have a solid structure to live in... the rich open a shop today and tomorrow they get a permit!' Shebeeners will often find (after months or years) that their license has been rejected without reason. Moreover, if the application goes to appeal, shebeeners are obliged to hire a lawyer to make representations on their behalf. Such a system clearly favors the largest and most financially powerful liquor retailers and resonates strongly with recent work exploring the UK's licensing 'business' (Hadfield 2006; Hadfield and Measham 2009). In SA however, such political economies of legal prowess only further reinforce divides between the legitimate and illegitimate alcohol trade, and, as a result, the powerful geographical imaginations that shroud public opinions of alcohol.

By late 2010, a semantic shift transformed the WCSA's members overnight from illegal shebeeners into the legitimate (and amorphous) Western Cape Liquor Traders' Association (WCLTA). By December, the WCLTA had heightened its call to arms and was threatening a repeat of the 2009 protests. Mauritz Rossouw, the WCSA/WCLTA's Chairman emerges as a powerful lobbying voice, deploying potent historical associations to accuse the province of failing 'to acknowledge the legacy of apartheid, where hopelessly inadequate town planning in black townships continues to blight and frustrate black entrepreneurs trying to empower themselves and in doing so, make a living' (CA, 6 Dec, 2010). More generally, there is a frustration that neither the city nor the province have listened to any of the WCLTA's proposed policy alternatives, despite clear opposition to the ones being tabled. The first alternative put forward by the WCLTA is a broad strategy of self-regulation, cooperation with police, and community engagement to help shut down shebeens found to be associated with crime and violence and drugs (CT, 11 Mar, 2010). To support this collective responsibility, Rossouw proclaims that 'if any of our members do not co-operate with police, we will close them down ourselves' (CT, 24 Dec, 2009) as 'there is a responsibility on us as traders to help fight crime' (CT, 11 Mar, 2010).

The WCLTA's second policy alternative piggybacks on research conducted by the Sustainable Livelihoods Foundation exploring the importance of micro-enterprise in townships and informal settlements in Cape Town (CA, 18 Nov, 2010). The research concluded that the WCLB might create 'opportunities for clandestine operators to enter the market' (*Ibid*). Instead, a restrictive licensing system, backed up by appropriate police enforcement, would enable shebeeners to trade subject to a series of basic rules, with penalties for transgressions. This would occur during 'a transitional period to allow enough time...to plan and investigate alternative employment, and business zones... where shebeen owners can obtain valid licenses and trade legally' (CA, Nov 18, 2010). The WCLTA backs up this assertion by reference to a Khayelitsha pilot project in which a restrictive licensing system saw crime fall by 60-80%. By April 2011, threats of further protests were once again in the press, with new voice, the Foundation for Business and Consumer Services (FABCOS), arguing that 'there are simply not enough business opportunities in townships... Somalians are taking over our shops and we will now lose bottle stores' (CA, 11 April, 2011). The SA National Civic Association also supported the stance, with the Chairman calling the WCLB an 'assault on the poor' (*Ibid*). The emergence of an organized shebeener voice, through the auspices of a number of key organizations and players, represents an important element in

the multiple challenges to the constitutionality of the WCLB and the city's by-laws. It is unsurprising, therefore, that at the time of writing, neither are yet in force.

### **Conclusion:**

The discourses that encircle alcohol control policies in the WC straddle – somewhat uneasily - two sets of framings. The first is where “bad users (or retailers)” are seen to be the problem and resonates with those news articles opposing the city's liquor by-law. This line of reasoning, promulgated by the CBRA, Fedhasa and the Tourist Board critiques the interventionist “Nanny State”, argues for the individual right to consume, the need for individual responsibility, commonsense, measured debate and an internationally competitive city. The repeated example of the by-law precluding city residents and tourists enjoying an innocent champagne breakfast is notable for its class-infused justifications, both reminiscent of nostalgic invocation of ‘European civilized drinking’ in the UK (Allum and Boyd 2002; Tierney 2006; Jayne, Valentine et al. 2008) and at the same time worryingly divorced from the reality of many of the city's drinking places. This contrasts with articles framing alcohol as a collective responsibility, specifically, through reducing supply, restricting licenses and shortening opening hours to address crime, violence and social problems. Alternatively, such collective responsibility might also be realized through increased cooperation between the police, shebeeners and communities. This discourse of collective responsibility is also dominant in public health science and has long permeated the SA debate. The Medical Research Council's noted support for the supply-side orientation of the provincial and city regulations (CT 29 Dec 2009) is a case in point here. However, the complex tension between the frames set out above is also acknowledged for, as Parry (2010) notes, ‘the rights of such establishments and the rights of consumers to buy alcohol after 11pm in a residential area or after 2pm in a business district must be weighed against the duty of the state to protect the broader population from unnecessary harm and economic burden’.

This discussion of newspaper coverage of the debates surrounding the WC's alcohol control policy demonstrates the complexity of these competing tropes and the frequent intractability of different frames. It also highlights the role of competing interests in shaping alcohol policy. As Saguy and Riley (2005: 873) argue, ‘different frames imply not only different ways to understand social problems, but also different courses of action... when there is ambiguity or the empirical reality is complex, competing frames are plausible, and which frame prevails depends largely on rhetorical skill and the credibility of the claimants’.

In the South African case, we see repeated iterations of policy responding to political pressures identified in the press, including that of the opposition political party and the tourism industry. Furthermore, while shebeeners have had less influence over the articulation of policy, the shebeen associations have successfully channeled public pressure against the enforcement of previous and new regulations, especially in relation to safeguarding livelihoods. As a consequence, the public and political discourses around alcohol enunciated through newspaper reporting and explored in this paper provide a much-needed deepening of the alcohol control debate in the Global South.

Moreover, this case also shows that alcohol is rarely about health policy alone, despite the concerns of the WHO. Indeed, the South African example demonstrates only limited engagement with alcohol as express “health” risk within press coverage. Where health risks are discussed, these are most often framed in terms of the acute risks of interpersonal violence, accidents and injury (e.g. CA, 16 Feb, 2009). As such, alcohol is for more often framed as a *social* risk, criminogenic, responsible for family breakdown, neighborhood decline and unsafe environments. In so doing, liquor is positioned as a touchstone for competing political, business and moral agendas and is thus inextricable from the broader political landscape of the WC and City of Cape Town. The explorations in this paper reveal the rapidity with which agendas around alcohol change, lobbying factions emerge and then promptly disappear as their demands are satiated, public opinion is swayed and re-swayed, and the interplays between provincial and municipal legislation alter tack. Underscoring these agenda shifts are prevailing concerns over rights, responsibilities and freedoms to consume and/or trade alcohol. Thus, the paper hopes to contribute to reorienting the alcohol control debate in SA and elsewhere by exploring an empirical instance where ‘drinking laws represent a complex social conundrum’ (Pennay, 2012: 1) and ‘one of those “wicked”, intractable problems, for which there is no easy solution’ (*ibid*, p.6). The dynamics of alcohol control policy debates in SA make it clear that perhaps alcohol control policy must be rethought in terms of multiple *solutions*, which enable responsible consumption and retailing, while simultaneously reducing risks.

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